IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3624 of 2001
with
CIVIL APPLICATION NO. 8941 OF 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL
and
Hon'ble MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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AHMEDABAD MUNI.CORPO.

Versus

TENENDRA TRADERS

Appearance:
1. First Appeal No. 3624 of 2001
MS ANU S VERMA for Petitioner No. 1
MR DD CHUDASAMA for Respondent No. 1
MR NISHITH P THAKKAR for Respondent No. 1

CORAM : MR.JUSTICE B.C.PATEL
and
MR.JUSTICE SHARAD D.DAVE

Date of decision: 07/09/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE B.C.PATEL)

Rule. Learned Advocate waives service of rule. At the request of the learned advocate, the matter is taken for final hearing. The learned advocate requested for converting the First Appeal into Special Civil Application.

The property is small admeasuring 29 sq.mtrs.and the Small Cause Court in Municipal Valuation Appeal No. 3497/98 has arrived at a conclusion on 22.1.01 that the G.R.V. of the premises should be Rs.910/- for the year 97-98. Of course, the Valuation Report is referred by the Small Cause Court but from the contents of the judgment, it is difficult to understand when the property was constructed, what was the value to be taken into consideration per sq.mtr. for construction etc. It is in view of these facts and circumstances, the learned advocate for the appellant submitted that an opportunity should be given to lead evidence. It is under these circumstances, without expressing our opinion, we remand the matter to the Small Cause Court in the interest of justice. It would be open for both the parties to lead the evidence before the Small Cause Court. However, if the evidence is not produced by the Corporation within a period of two months from the receipt of Writ by the Small Cause Court, the Small Cause Court will report to this Court about the said fact. The Small Cause Court to dispose of the matter on the evidence which may be produced by the assessee and/or the Corporation within 3 months. The application stands allowed accordingly. Rule is made absolute. Civil Application for stay is disposed of as rejected.

(B.C.PATEL, J)

(SHARAD D DAVE, J)

srilatha